
BZA-1854
PIZZA HUT OF LAFAYETTE, INC.
Variance

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of owner, is requesting a variance to increase the total amount of signage to 224.6 sq. ft.; this total is 28.6 sq. ft. more than permitted by a previous variance granted in 1994 for two 98 sq. ft. building signs totaling 196 sq. ft. (BZA-1278). The site is located just east of the intersection of North Salisbury Street and Sagamore Parkway West, 506 Sagamore Parkway West, West Lafayette, Wabash 7(NE) 23-4.

AREA ZONING PATTERNS:

This land in question is zoned NB (formerly LB, Local Business) as is property to the east and west. South across Sagamore Parkway is GB and PDNR zoning. R1 zoning is located north of this site.

The most recent sign variances in the area were in 2003 for the Salin Bank southeast of the site (BZA-1653) and Walgreens farther west (BZA-1632). These requests were denied and withdrawn, respectively.

AREA LAND USE PATTERNS:

Sagamore Parkway in West Lafayette is the main commercial strip through the center part of the city. Numerous commercial, retail and service establishments are located on this corridor, including restaurants, banks, offices, grocery stores and other service establishments.

The Pizza Hut on the subject site was built in 1995. Uses immediately surrounding the site include a commercial strip center both to the east and west. A single-family subdivision is located immediately north. South across Sagamore is an architecture office and restaurants.

TRAFFIC AND TRANSPORTATION:

The site is served by Frontage Road along the north side of Sagamore Parkway (US 52) and has two access points and a paved parking lot. The restaurant also includes a (legally non-conforming) drive-through window.

Average Daily Traffic counts taken in 2009 indicate that more than 4,800 vehicles travel Frontage Road; counts taken in 2008 for Sagamore Parkway indicate that about 30,000 vehicles use that stretch of road.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The site is served by city utilities.

STAFF COMMENTS:

Under the old ordinance, properties zoned LB (Local Business) were only allowed one 30 sq. ft. sign. When this store was built, petitioners sought four sign variances (under the prior zoning ordinance); one request was withdrawn and the other three were approved. The variances approved were:

1. To allow two signs instead of one;
2. To allow the western sign to be 98 sq. ft. instead of the permitted 30 sq. ft., and
3. To allow the eastern sign to be 98 sq. ft. instead of the permitted 30 sq. ft.

However, after the variances were granted, Pizza Hut erected two fascia signs on its roof that were just over 80 sq. ft. each. Therefore, instead of the 196 sq. ft. permitted by variance, only 160 sq. ft. were used. Because the amount of signage awarded by the ABZA was not all used, the 160 sq. ft. used is what is now permitted by the 1994 BZA case (UZO 6-4-5(d)).

Now, two new signs are proposed next to each existing Pizza Hut roof sign indicating a new product: Wing Street. Each 'Wing Street' sign measures 30.03 sq. ft. If this variance is granted, the total signage for the restaurant will be over 220 sq. ft. (80.02 sq. ft (x2) and 30.3 (x2) = 220.64 sq. ft.). The current zoning ordinance allows for 85.8 sq. ft. of signage based on the zoning, setback, speed limit and the fact there is no free-standing sign. While the speed limit is taken from Sagamore Parkway, the lot has frontage only on Frontage Road.

Staff recognizes the need for new signage because of corporate rebranding regulations; however the existing signage should be resized to fit within the rules adopted by local officials. We can support the continued amount of signage awarded by the ABZA and then used by petitioner in 1994, but 60 sq. ft. of additional signage is simply too much. Other property and business owners in the area have applied for numerous sign variances over the years, and in almost every case the requests were either withdrawn or denied.

Staff consistently supports our sign ordinance. Because so few sign variances have been granted for this area of Sagamore Parkway, the streetscape is not dominated by signs (i.e. SR 26 E), but rather by buildings and trees.

Regarding this case, the Area Plan Commission unanimously voted that the sign ordinance be strictly adhered to.

Regarding the ballot items:

1. The Area Plan Commission at its meeting on May 16, 2012 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The signs proposed are fascia signs and pose no fall-down threat to the traveling public, which could be a concern with a free-standing sign.
3. Use and value of the area adjacent to the property included in the variance request **WILL** be affected in a substantially adverse manner. Allowing one business in an area additional sign area gives an unfair advantage and could adversely affect the operations of other businesses in the area.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. There is nothing unusual about this lot with regard to its shape, size or topography.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. The 160 sq. ft. allowed by a previous variance is well beyond sufficient.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. It is only petitioner's desire to add additional signage; the existing square footage could be redesigned to include the new logo as regulated by corporate rules.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. Minimum relief is the ABZA's approved 160 sq. ft. used by petitioner for many years.

STAFF RECOMMENDATION:

Denial